

Serial No.: 10/684,417
Docket No.: 102-1001
Amendment dated October 12, 2006
Reply to the Office Action of July 14, 2006

REMARKS

Introduction

Applicant notes with appreciation the Examiner's indication that claims 1-25 are allowed.

Upon entry of the foregoing amendment, claims 1-27 are pending in the application. No claims have been amended or cancelled. New claim 27 has been added. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Rejection under 35 USC §102

Claim 26 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,265,869 to Morita. Applicant traverses this rejection for at least the following reasons.

1. The Examiner is importing the language "portions of lengths" into independent claim 26

At page 3 of the Office Action of July 14, 2006, the Examiner alleges that:

"the guide plate 5 includes the flange portions 5a and 5b, as well as, guide pieces 5c and 5d...In other words, these are all portions of the same guide plate 5...Moreover, the elastic member 13 located near element has a diameter that is arranged **along a first portion (i.e., a length)**...while the elastic member 13 located near element 26 has a diameter that is arranged **along a second portion (i.e., a length)**..." (**Emphasis Added**)

Thus, the Examiner is apparently equating "portions" of Morita's second guide plate 5 shown in FIG. 1 with a "length" of the second guide plate 5. In particular, the Examiner describes Morita's elastic members 13 as being arranged along "a first portion" and "a second portion," and then concludes that this meets Applicant's independent claim 26. Furthermore, the Examiner reads independent claim 26 as though it recited "elastic members arranged along **portions of lengths** of the supporting plate and the supporting bracket."

However, Applicant respectfully notes that, contrary to the Examiner's interpretation of independent claim 26, independent claim 26 **does not recite** "elastic members arranged along

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portions of lengths of the supporting plate and the supporting bracket.” In fact, the word “portion” does not appear anywhere in independent claim 26. In other words, the Examiner is attempting to import the word “portion” into independent claim 26 (where it clearly does not belong) in an effort to stretch Morita to read on Applicant’s invention. Therefore, the Examiner has not addressed the features as **actually recited** in Applicant’s independent claim 26, namely, “elastic members arranged along lengths of the supporting plate and the supporting bracket.” Accordingly, the Examiner’s rejection is improper and must be withdrawn.

2. The ordinary meaning of “along” does not read on Morita’s device

As set forth above, the Examiner is attempting to equate Morita’s elastic members 13 which are disposed at outside ends of Morita’s guide plate 5 with Applicant’s “elastic members arranged along lengths of the supporting plate and the supporting bracket,” as recited in independent claim 26.

However, Applicant submits that Morita’s elastic members 13 are not arranged “along” Morita’s guide plate 5 in any sense of the word “along.” The first definition of “along” in the *American Heritage College Dictionary* recites “over the length of,” while the second definition of “along” in the same dictionary recites “on a line or course parallel and close to; continuously beside.” See *American Heritage College Dictionary* 39 (4th ed. 2002). Applicant submits that neither one of these ordinary meaning definitions of “along” can be used to describe the elastic members 13 shown in FIG. 1 of Morita in relation to the second guide plate 5 and the support plate 7. In other words, it would be technically improper to describe the device shown in Morita as having either:

- (1) “elastic members arranged over the length of (i.e., along) the supporting plate and the supporting bracket” (first definition); or
- (2) “elastic members arranged on a line or course parallel and close to (i.e., along) the supporting plate and the supporting bracket” (second definition).

Thus, it is clear that neither one of these ordinary meanings of the term “along” can be used to describe Morita’s elastic members 13. Since the ordinary meaning of the term “along” does not read on Morita’s elastic members 13, Morita fails to disclose, among other things, “elastic

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members arranged along lengths of the supporting plate and the supporting bracket," as recited in independent claim 26 of Applicant's invention.

Since (1) the Examiner has not addressed the language of independent claim 26 as *actually* recited therein and (2) the Examiner is using the word "along" in a manner that is repugnant to its well known ordinary meaning, Morita cannot anticipate independent claim 26 of Applicant's invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Accordingly, since the Morita reference does not explicitly or inherently disclose every element as recited in independent claim 26, this reference can not be properly used to reject claim 26 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 26 is allowable over the Morita reference, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

New Claim

Claim 27 has been newly added. New independent claim 27 recites features that are not disclosed, taught, or suggested by the prior art of record, for example, "a supporting plate positioned at a paper-discharging port side of the image forming device," "a supporting bracket including idle rollers facing the paper-discharging rollers and being coupled to the supporting

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plate," and "a plurality of adjustable elastic members arranged at a plurality of intervals between the supporting plate and the supporting bracket to bias the supporting plate and supporting bracket apart." Applicant respectfully submits that support for newly added claim 27 can be found in FIGS. 4-6, and the corresponding portions of the detailed description. Accordingly, it is respectfully submitted that new claim 27 does not present new matter, and is allowable over the prior art of record, and allowance of this claim is earnestly solicited.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A \$250 fee for an additional claim has been incurred by this Amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

STANZIONE & KIM, LLP

Dated: October 12, 2006
919 18th St., NW, Suite 440
Washington, DC 20006
Telephone: (202) 775-1900
Facsimile: (202) 775-1901

By: 
Seungman Kim
Registration No. 50,012